

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
Thursday, June 18, 2020

ITEM: 8

SUBJECT: Storm Water Program Update (*Heaven Moore*)

BOARD ACTION: This is an informational item, only. No action will be taken by the Regional Water Board.

BACKGROUND: Over the last two years, the Regional Water Board's storm water team has taken an intentionally proactive approach to working with municipalities, industries, and operators of construction sites. Staff has focused on creating a program based on collaboration and building relationships by attending meetings and conducting site and facility inspections in all corners of the region. Inspections and meetings are used to assess sites, go over regulatory requirements, answer questions, and build partnerships with the goal of preventing and/or minimizing unauthorized discharges from regulated sites and facilities to receiving waters during wet weather. Whether they are regulated under the Statewide Industrial General Permit (IGP), Construction General Permit (CGP), or a Municipal Separate Storm Sewer System Permit (MS4), compliance support is our first task.

In order to serve a region that is over 19,400 square miles, each Program Manager uses various data and tools available to them. These include mapping tools and databases, such as Geographic Information System (GIS) and Stormwater Multiple Application and Tracking System (SMARTS)¹. Program managers review SMARTS submittals, such as annual reports and monitoring data, to assess compliance with permit conditions, prioritize inspections and follow-up enforcement actions, as well as compile information to identify common players, such as designers, operators, or contractors, in the industry.

Currently 239 construction sites are enrolled under the Construction General Permit in the North Coast Region. In order to make sure that the sites that need inspection most are visited, prioritization of construction inspections have been focused on sites with past enforcement actions, high-risk sites², and sites that are managed by contractors and/or Qualified SWPPP Practitioner (QSPs) who oversee multiple sites throughout the region. This approach has resulted in over 70 CGP inspections so far in fiscal year 2019/20. While the conditions of construction sites vary, these inspections have resulted in 2 Notices of Violation, 1 investigative order, 1 issued Administrative Civil Liability as well as multiple notifications of needed corrections though verbal and email communications.

¹ SMARTS provides a platform where dischargers, regulators, and the public can enter, manage, and view storm water data including permit registration documents, compliance, and monitoring data associated with California's Storm Water General Permits. SMARTS is compliant with the EPA's Cross-Media Electronic Reporting Rule (CROMERR) which sets requirements for electronic reporting of National Pollutant Discharge Elimination System (NPDES) permit and report submittals.

² Risk level are based on a number of factors including site size, soil type, slope, and proximity to receiving water as well as time of year and duration of construction and the sensitivity of the receiving water.

Similarly, staff has conducted industrial facility inspections of over 50 sites in fiscal year 2019/20. This effort has been focused on response to complaints, facilities with significant exceedances, and those with a history of non-compliance. There are currently 439 sites enrolled under the Industrial General Permit. In the coming year, staff effort will also be focused on verification of sites that have claimed exemptions from the permit requirements and those sites reporting exceedance of water quality standards. While the conditions of facilities varies, these inspections have resulted in 7 Notices of Noncompliance, 7 Notices of Violation, 1 investigative order, 1 issued Administrative Civil Liability, as well as 50 letters sent to facilities that reported TSS levels above the numeric action levels and multiple notifications of needed corrections though verbal and email communications.

In the Municipal Separate Storm Sewer System (MS4) Permit program, staff must stay fully engaged with the implementing municipalities and agencies on a regular basis. These permittees implement ongoing programs including: outreach campaigns, staff operations, training, monitoring, and Low Impact Development. The Program Manager serves as the regulatory technical expert and provides compliance support through regular check in meetings, joint inspections, program audits, project specific review and consultation, and interfacing with project proponents. This proactive approach is also used to support permit renewal processes. Over the last year the Program Manager has been a lead technical staff on State Water Board Subcommittees drafting renewal of the Statewide Phase 2 MS4 Permit planned for renewal by the State Water Board by late fall 2021 which currently covers 11 municipalities in Region 1, as well as the CalTrans MS4 Permit renewal planned for renewal by the State Water Board by summer 2021. Additionally, the collaborative process has begun with the 10 Co-Permittees on the Phase 1 MS4 Permit renewal planned for renewal by the Regional Water Board by fall 2021.

This proactive effort, as well as the development and use of inspection checklists, letters, and data driven prioritization has already resulted in improved engagement with permittees, as demonstrated by case studies that will be presented June 18, 2020.

As we now work with the new challenges and uncertainties of the shifting natural world that includes wildfires, flood, and pandemics we will continue to adapt, adjust, and add tools to meet our needs and protect water quality. The proactive work focused on collaboration and relationship building, followed by effective progressive enforcement when needed, is already paying off and may become even more important in the future. We are all stewards of our land and water!

SUPPORTING MATERIALS: None